

HYLAN ASKS FUNDS FOR LIQUOR FIGHT

City Laboratory Overwhelmed With Evidence Against Saloon Men, He Says.

BOARD REJECTS PLEA

District Attorney Also to Demand Increase in Staff of Prosecutors.

POLICE GET SETBACK

Justice Gavegan Refuses to Issue Search Warrant on Hearsay Affidavit.

The State prohibition law is to be enforced to the bitter end and Mayor Hyland will swing the city's financial resources back of the police for that purpose. The District Attorney is no less determined that the work of the police shall receive proper support in the courts, and it was predicted yesterday the Mayor will throw whatever financial support may be necessary back of Mr. Swann's office, regardless of late unpleasantness between the Mayor and the District Attorney.

That disquieting news to the thirty was broken at the Board of Estimate meeting yesterday, when the Mayor insisted upon an additional appropriation of \$36,000 for the city laboratory, which is swamped with samples of "evidence" to be analyzed, and Jacob H. Banton, acting District Attorney, served notice on the board that he will be at an early meeting to ask an increase in his staff of prosecutors.

The police failed yesterday in their first effort to obtain a warrant to search premises for liquor, but Justice Gavegan from the Supreme Court bench made it clear that when "sufficient evidence from which jurisdictional facts may be inferred" is presented to the court the police will not be handicapped by lack of a search warrant.

United Against Rum Sellers.

Thus, a review of the day's developments revealed the Mayor, who is the phalanx against the police, the District Attorney, who is the phalanx against the Mayor, and the police, who are the phalanx against the Mayor and the District Attorney.

Because F. H. La Guardia, President of the Board of Aldermen, and Henry Smith, Deputy Comptroller, held the view that the prohibition law is a federal law and it is not incumbent upon the city to make extra appropriations to enforce it, regardless of the State statute, Mayor Hyland lost his fight for the laboratory appropriation and for long. He immediately announced his determination that the statute shall be enforced and called a special meeting of the board for next Monday morning, when a three-fourths majority will not be necessary and the Tammany members can join it through.

That the Mayor's passion for air tight enforcement is augmented by a wholesome respect for the Governor's power to remove city officials was revealed in his following remarks to Deputy Comptroller Smith in the board meeting:

"The Comptroller knows very well that under the new State law the police must make arrests. He knows too that the police must present proper evidence or the cases will be thrown out of court. In that event, there are all sorts of criticisms directed against the police for not properly presenting the cases. There have been threats of the removal of public officials for not enforcing the law. It is our duty to enforce the law as long as it is on the statute books."

All Want More Money.

Following the probable granting of the laboratory appropriation Monday, the next enforcement appropriation to receive attention is expected to be the request of Commissioner Enright for additional funds to hire more police to enforce the law. By the time the District Attorney Banton is expected to have his request for an increase in Mr. Swann's staff before the board.

Up to yesterday there were sixty-four indictments for liquor violations in Mr. Swann's office and twenty-three were added yesterday. The police during the day filed eighty reports of further violations and there were 400 previous reports upon which no Grand Jury action has been taken.

The requirements of the law in cases of applications for search warrants were set forth by Justice Gavegan when he denied the application of Policeman Julius Wernberg for a warrant to search certain premises where, according to Wernberg, forty cases of liquor were being kept by John Doe, who, to cover his illegal business, presented himself to the world as engaged in the clothing business. Wernberg's application, alleging "information and belief," is the first of its kind to be made by a policeman since the police began to enforce the prohibition laws here.

In denying it Justice Gavegan said Wernberg had failed to state the nature of his information and the grounds of his belief.

"It is a familiar rule that applications are not to be granted until the court has been furnished with some evidence from which jurisdictional facts may be inferred, and bare statements of belief are not evidence."

MOTHER BRAVES DEATH IN WELL TO RESCUE HER BABY

Descends 20 Feet Clinging to Stones and Finding Foot-hold in Slippery Crevices—Hands Torn in Desperate Climb to Safety—Child Is Unharmed.

Charles Gurling, who is 15 months old and just learning to walk, was seized with the spirit of adventure yesterday afternoon as he sat in his high chair on the back porch of his home at Knollswood and Haddale roads, White Plains. He clambered down from the chair after considerable effort, for he had to unhook a strap, and took advantage of an interval between the sobs of his mother to stagger uncertainly into the yard.

It is very likely he had no definite plan in view, but his attention was attracted by a pile of boards in the yard about fifteen feet from the porch. Charles didn't know it, and it would not have meant anything to him if he had, but the boards covered a well four feet deep and with twenty feet of water in it. It is built of stones, which are moss covered and very slippery, and water is raised by a bucket to which a rope is tied, although there is no windlass.

The boards, whitened by the rain, looked very nice to Charles, and he staggered toward them. He reached the well, managed to push one of the boards slightly, and looked down into the interior. Fascinated by the shine of the water, he leaned too far over and plunged into the well, landing with a splash.

Fortunately, the splash was heard by the boy's mother, Mrs. Norman Gurling, who was at work in the kitchen. She ran into the yard and called for Charles. There was no answer. She looked around and saw that the boards over the well had been disturbed. And, looking down into the well, she saw the baby's coat floating on top of the water.

Mrs. Gurling didn't hesitate. She didn't even stop to remove her shoes. She went over the side and began descending carefully but as swiftly as possible down the twenty feet of slippery, moss covered rock that was between her and her boy. Digging her fingers and the toes of her shoes into the crevices between the rocks, she made her way downward until at last she reached the water. By that time the boy had gone under the water, and as he came to the surface she seized him by the clothing.

Mrs. Gurling saw that Charles was still alive, but it seemed hardly possible that she would be able to get both herself and the boy out of the well alive. But she tried it, nevertheless. She put the body of the baby between herself and the wall. With one hand she clung to the wall of the well and with the other she wrapped the child's arms around her neck and linked his fingers together.

Then, with the weight of the child around her neck, Mrs. Gurling started slowly up the sides of the well. She went carefully, climbing slowly, feeling ahead for the largest crevice and digging her fingers into them with such force that before she had gone ten feet her hands streamed with blood under the strain. But she kept on.

It took her a long time, but she finally reached the top and barely had strength enough left to push the baby over the edge of the well. Then she tottered off her own body over, enough so that she would not fall back, and there she stayed for some time resting before she was able to clamber out.

But after she got out she took Charles into the house, gave him a hot bath and put him to bed, and then busied herself preparing her husband's supper. A physician who was called said last night that the baby would be none the worse for his experience.

GRAFT ON PATIENTS

IN HARLEM CHARGED

Alderman Harris Attacks Hospital Management for Race Discrimination.

General charges of mistreatment of negro patients, discriminating against them and of graft and mismanagement at the Harlem Hospital were made by Alderman George W. Harris yesterday at a hearing before David Hirschfeld, Commissioner of Accounts, in the Municipal Building. Alderman Harris said he expected to prove, among other things, that an ambulance surgeon and driver stopped at a Harlem restaurant and spent half an hour eating before they responded to an emergency call sent in by a negro family.

The negro population of Harlem, Harris said, had no confidence in the institution and only would submit to being sent there as a last resort. He demanded that conditions be remedied and that the negro race receive adequate representation on the medical and surgical staff and in the management of the institution.

The taking of testimony was postponed until next Wednesday at 10:30 A. M. to give the hospital authorities an opportunity to investigate complaints which have been filed by Mrs. A. Tull, 28 West 126th street; Sarah Benson, 23 West 126th street; Hazel Pinder, 112 West 127th street; Bernard Dwyer, 132 West 140th street; and Hayward J. Payne, 5 West 123d street.

Dr. John W. Brannan, president of the board of trustees, said he was his opinion there was no race discrimination. There was a certain amount of tipping by patients, who thus hoped to secure better treatment, at all hospitals, he said, but believed there was no more of it at Harlem Hospital than elsewhere.

TRIBUTE TO LINCOLN

PAID BY PRESIDENT

Memorial Services Held in Union Square.

A letter from President Harding regretting his inability to attend exercises commemorative of the fifty-fifth anniversary of the death of Lincoln was read yesterday in Union Square, where a wreath was placed on the Lincoln monument. The letter follows:

"Will you be kind enough to convey to those who will be gathered on Friday to pay tribute to the memory of the martyred Lincoln that I would have been very glad indeed to be numbered among them—and it has been quite impossible because of public business. Those of you—and I know your number is increasing year by year—who are endeavoring to bring about a better understanding of the incomparable service of Lincoln are performing a great work whose value cannot be overestimated. He is the perfect exemplar of everything that is best. May the inspiration of his life and his death be a nation more and more as the years pass."

DISMISSAL OF PORTER

INDICTMENT ASKED

Judge Rosalsky Reserves Decision in Police Case

Martin W. Littleton, counsel for Col. Augustus Drum Porter, former Third Deputy Police Commissioner, moved yesterday before Judge Rosalsky in General Sessions for a dismissal of the indictment charging his client with neglect of duty. Porter was indicted in March, 1920, on the basis of two plain clothes men. They charged they raided an apartment and found Porter there in company with a woman and a child, and ordered them not to make an arrest.

Col. Porter was tried on April 22, 1920, and the jury was unable to agree. Judge Rosalsky reserved decision.

WORE HOOD TO MAKE

DEATH BY GAS CERTAIN

George W. Herzog Ends Life in Bath.

George W. Herzog, 45 years old, a retired furrier, was found dead in a bathroom of his apartment at 341 West Forty-fifth street yesterday with a hood made of old cloth over his head.

The police found that he had attached a tube to a gas jet in the bathroom and run it through a hole in the door. Then he put the gas tube in his mouth through an opening in the hood, according to the police, and sat in the bathtub.

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